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ATTORNEYS FOR DEFENDANTS PARK
COUNTY, WYOMING; BOARD OF COUNTY
COMMISSIONERS OF PARK COUNTY,
WYOMING; DOSSIE OVERFIELD, LLOYD
THIEL, LEE LIVINGSTON, SCOTT MANGOLD,
and SCOTT STEWARD, in their official capacity as
Members of the Board of County Commissioners for
Park County, Wyoming

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HORIZON TOWER LIMITED, LLC and
HORIZON TOWER, LLC,

Plaintiffs,

v.

PARK COUNTY, WYOMING; BOARD
OF COUNTY COMMISSIONERS OF
PARK COUNTY, WYOMING; DOSSIE
OVERFIELD, LLOYD THIEL, LEE
LIVINGSTON, SCOTT MANGOLD, and
SCOTT STEWARD, in their official
capacity as Members of the Board of
County Commissioners for Park County,
Wyoming;

Defendants.

Civil Action No.: Case No. 23-CV-0037-ABJ

JOINT MOTION TO EXTEND PRETRIAL AND TRIAL DEADLINES

Plaintiffs Horizon Tower Limited, LLC and Horizon Tower, LLC (collectively, “Horizon” or “Plaintiffs”) and Defendants Park County, Wyoming; Board of County Commissioners of Park County, Wyoming; and Dossie Overfield, Lloyd Thiel, Lee Livingston, Scott Mangold, and Scott Steward, in their official capacity as Members of the Board of County Commissioners for Park County, Wyoming (collectively, “County” or “Defendants”) jointly move to extend the date to submit the parties’ Joint Final Pretrial Memorandum, file any motions in limine, and commence trial established by the Court’s April 25, 2024 Scheduling Order (ECF No. 74). In support of their joint motion, the parties state the following:

1. On November 15, 2023, Plaintiffs filed a motion for summary judgment and a motion to exclude Defendants’ proposed expert witness. On the same day, Defendants cross-moved for summary judgment. *See* ECF Nos. 44, 45, 47, 48 (Plaintiffs’ motions and briefs in support); 49, 50 (Defendants’ motion and brief in support).

2. The parties completed the briefing on the cross-motions for summary judgment and Plaintiffs’ motion to exclude on December 18, 2023. Oral argument was heard on the summary judgment motions on March 7, 2024.

3. The parties believe the cross-motions for summary judgment may lead to this Court’s resolution of all of Plaintiffs’ claims in this litigation, or, if not complete resolution of all claims, then necessary clarification of applicable legal standards, which would inform the parties’ pre-trial and trial submissions.

4. On April 25, 2024, this Court issued an updated Scheduling Order (“April Scheduling Order”).

5. In the April Scheduling Order, the Court stated that the Joint Final Pretrial Memorandum shall be filed on or before July 29, 2024.

6. The April Scheduling Order also set July 29, 2024, as the date Motions In Limine shall be filed.

7. The April Scheduling Order also set the final pretrial conference for August 19, 2024, and a non-jury trial for September 9, 2024.

8. In addition to the pending summary judgment motions, Plaintiffs' lead counsel, Mr. Thompson, is scheduled for an extensive trial in the US District Court for the Northern District of Georgia in Atlanta the week of July 29, 2024, leaving him unable to properly address the pre-trial submissions before they are due under the April Scheduling Order.

9. In light of the outstanding issues in the pending cross-motions and Mr. Thompson's trial schedule, Plaintiffs and Defendants respectfully request that this Court extend all current deadlines in the April Scheduling Order by 60 days. The new deadlines would be as follows:

1. September 27, 2024, Joint Final Pretrial Memorandum
2. September 27, 2024, Motions in Limine
3. October 11, 2024, Responses in Opposition to Motions in Limine
4. October 18, 2024, Replies to Responses in Opposition to Motions in Limine
5. October 18, 2024, Final Pretrial Conference
6. December 2, 2024, Non-Jury Trial

DATED: July 17, 2024.

Respectfully Submitted,

For Plaintiffs:

/s/ Isaac N. Sutphin

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